

## REMARKS

### Summary of the Office Action

Claims 14-20 and 28-85 are pending in the application.

Claims 74-80 and 85 are rejected as being indefinite.

Claims 74-80 and 85 are rejected as being improper process claims.

Claims 14-20, 28-33, 41-54, 74-80, 84, and 85 have been rejected as anticipated by U.S. Patent No. 6,470,892 to Forsell ("Forsell '892").

Claims 34-40 and 55-73 have been rejected as being obvious over U.S. Patent No. 5,662,711 to Douglas ("Douglas") in view of Forsell.

### Applicant's Response

Applicant has amended claims 14, 15, 31, 33-45, 48-52, 53, 70-78 and 84 to obviate the indefiniteness rejections and patentably distinguish over the prior art. To expedite prosecution, claims 32, 46, 47, 52, 54-69, 79-83 and 85 have been canceled without prejudice to submission of claims directed to similar subject matter in a subsequent related application.

More specifically, applicant has amended independent claims 84 and 70 to recite that the inventive device comprises an implantable enclosure that houses an actuator and a receiver, and is controlled by an external control device. The claims further specify that the **actuator comprises a rotatable member coupled to the drive shaft of an electrical micromotor via a rotary to linear transmission**. Applicant respectfully submits that none of the prior art of record, nor that cited in the accompanying Supplemental Information

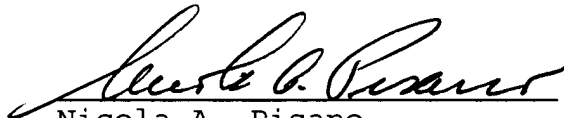
Disclosure Statement, teaches or suggests this inventive combination.

Moreover, applicant respectfully submits that Forsell '892 is not prior art to the present invention. The instant application is a §371 application of an International Application filed on July 19, 2000, which in turn claims priority to a European patent application filed on July 19, 1999. Thus, applicant is entitled to priority back to the filing date of the European patent application (i.e., July 19, 1999). Forsell '892 has a filing date of February 10, 2000, which is **after** applicant's foreign priority date of July 19, 1999, does not constitute under 35 U.S.C. § 120(e) prior art, and cannot be used to reject the claims of the instant application.

Claims 34-40 and 55-73 have been rejected as obvious over Douglas in view of '892 Forsell. As discussed above, Forsell '892 is not prior art. Therefore, Forsell '892 may not be used to modify Douglas to arrive at applicant's claimed invention.

In view of the foregoing amendments and remarks, applicant submits that the present application is in condition for allowance.

Respectfully submitted,



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